TO PROVIDE FOR THE APPOINTMENT OF ADM. JAMES B. BUSEY AS ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION

(101-10)

HEARING

BEFORE THE

SUBCOMMITTEE ON AVIATION

OF THE

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION HOUSE OF REPRESENTATIVES

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

H.R. 2444

TO PROVIDE FOR THE APPOINTMENT OF ADM. JAMES B. BUSEY AS ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION

JUNE 15, 1989

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SUMMARY OF SUBJECT MATTER

Hearing on H.R. 2444 To Provide for the Appointment of Adm. James B. Busey as Administrator of the Federal Aviation Administration, Thursday, June 15, 1989, 2167 Rayburn House Office Building

This hearing will consider legislation to allow Admiral James B. Busey to serve as Administrator of the Federal Aviation Administration while remaining as an officer on the retired list of the United States Navy.

This legislation is required because of section 106 of the law establishing the Department of Transportation which requires that the Administrator of the Federal Aviation Administration must be "a civilian". When this legislative provision was first passed in 1958, the conference report stated that "the requirement [in the predecessor of section 106] that the Administrator be a civilian at the time of his nomination means that he shall be a civilian in the strictest sense of the word. Thus, at the time he is nominated he may not be on the active or retired list of any regular component of the Armed Services or be on extended active duty in or with the Armed Services".

This provision was added to the law when the Federal Aviation Administration was first established in 1958. At that time there were concerns about establishing the supremacy of civilian control of airspace. Before the establishment of FAA, civil and military authorities shared responsibility for controlling airspace. The FAA was established to provide a single system of civilian control.

To ensure civilian control, a number of other provisions were included in the 1958 Act, beyond the requirement that the FAA Administrator must be a civilian. One such provision provided that when military personnel are assigned to FAA, they are not subject to direction or control by the military department in which they served. The law also provided that if the FAA Administrator is a former regular officer of the armed forces, the Deputy Administrator may not be an officer on active duty, a retired regular officer, or a former regular officer.

Congress has acted on several occasions to make exceptions to the requirement that the FAA Administrator may not be on the military retired list. General Elwood Quesada was appointed FAA Administrator on December 1, 1958. He resigned from the military retired list before his appointment. On September 16, 1959, legislation was enacted to permit the President to reappoint Mr. Quesada to the retired list when he ceased to hold office as FAA Administrator.

In 1965, legislation was enacted authorizing the President to appoint General William F. McKee as FAA Administrator while General McKee remained on the retired list of the Air Force.

In 1973, Colonel Alexander Butterfield was appointed FAA Administrator. He resigned his Commission at the time of his appointment, having learned that there was little prospect of enacting legislation which would allow him to stay on the retired list while serving as Administrator. Following Butterfield's resignation as Administrator, there was an effort in 1975 to pass legislation to restore him to the retired list. The legislation was defeated in the Senate by a vote of 42–47.

In 1984, Congress passed legislation authorizing the appointment of Donald D. Engen as FAA Administrator while continuing to hold his rank as an officer on the retired list of the United States Navy.

The Busey bill, H.R. 2444, is modeled on the Engen and McKee bills. A Section by Section Analysis of the bill follows.

Section 1 of the bill authorizes the President to appoint Admiral Busey to the post of FAA Administrator without regard to his position as officer on the retired list of the United States Navy, except to the extent that there are limits under the Dual Compensation Act on the amount of retirement pay he can receive. The bill provides that as FAA Administrator, Admiral Busey shall receive compensation for that office at the rate which would be applicable if he was not on the retired list.

Section 2 of the bill provides that in the performance of his duties as Administrator of the FAA, Admiral Busey shall be subject to no supervision, control, restriction, or prohibition which would not be operative with respect to him if he was not an officer on the retired list of the United States Navy.

Section 3 of the bill expresses the intent of Congress that passage of this legislation should not be construed as approval by Congress of the continuing appointment of military personnel to the Office of FAA Administrator in the future.

The witnesses at Thursday's hearing will be a witness from the Department of Transportation and Admiral Busey.

101ST CONGRESS
1ST SESSION

H. R. 2444

To provide for the appointment of Admiral James B. Busey as Administrator of the Federal Aviation Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 1989

Mr. ANDERSON (for himself (by request), Mr. HAMMERSCHMIDT, Mr. OBERSTAR, and Mr. CLINGER) introduced the following bill; which was referred to the Committee on Public Works and Transportation

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A BILL

To provide for the appointment of Admiral James B. Busey as Administrator of the Federal Aviation Administration, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 106 of title 49, United States Code, or any other provision of law, the President, acting by and with the advice and consent of the Senate, is authorized to appoint Admiral James B. Busey (United States Navy, retired) to the Office of Administrator of the Federal Aviation Administration. Admiral Busey's appointment to, acceptance of, and service in that Office shall

in no way affect the status, rank, and grade which he now holds as an officer on the retired list of the United States Navy or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade, except to the extent that the Act of August 19, 1964, Public Law 88–448 (the Dual Compensation Act), as amended (5 United States Code 5531, et seq.), affects the amount of retired pay to which he is entitled by law during his service in the Office of Administrator of the Federal Aviation Administration. So long as he holds of Office of Administrator of the Federal Aviation Administration, Admiral Busey shall receive the compensation of that Office at the rate which would be applicable if he were not an officer on the retired list of the United States Navy, and shall retain the status, rank, and grade which he now holds as an officer on the retired list of the United States Navy, and shall retain all emoluments, perquisites, rights, privileges, and benefits incident to or arising out of such status, office, rank, or grade, and shall in addition continue to receive the retired pay to which he is entitled by law, subject to the provisions of the Dual Compensation Act, as amended.

SEC. 2. In the performance of his duties as Administrator of the Federal Aviation Administration, Admiral Busey shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative

with respect to him if he were not an officer on the retired list of the United States Navy.

SEC. 3. It is hereby expressed as the intent of the Congress that the authority granted by this Act is not to be construed as approval by the Congress of continuing appointments of military persons to the Office of Administrator of the Federal Aviation Administration in the future.

○

TO PROVIDE FOR THE APPOINTMENT OF ADMIRAL JAMES B. BUSEY AS ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION

THURSDAY, JUNE 15, 1989

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AVIATION,
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, D.C.

The Subcommittee met, pursuant to notice, at 10:10 a.m., in Room 2167, Rayburn House Office Building, Hon. James L. Oberstar, Chairman of the Subcommittee, presiding.

Mr. OBERSTAR. The Subcommittee on Aviation will come to order.

The focus of today's hearing is legislation to allow Admiral James B. Busey to serve as Administrator of the Federal Aviation Administration while remaining on the retired list of the United States Navy.

The legislation is necessary because a provision in the 1958 law establishing the Federal Aviation Administration requires that the FAA Administrator be a civilian.

The conference report on the legislation further stated that the requirement of civilian status for the Administrator is to be interpreted strictly and that the Administrator may not be on either the active or retired list of any of the armed services.

At the time that provision was added to the law, there was concern about establishing the supremacy of civilian control of the airspace.

Before establishment of the Federal Aviation Administration, civilian and military authorities shared the responsibility for controlling airspace.

The FAA was established to provide a single system of civilian control. And to ensure that there would in fact be civilian control, the law included the provision, which is the subject of today's hearing, that the FAA Administrator be a civilian.

In the Subcommittee's recent inquiry into aviation matters in Europe, we found that there is a very significant overlap and intermingling of military and civilian matters in airspace control; that in fact, many of the restraints on air travel in Europe are due to a very high degree of military responsibility and interest in, and in many cases precedence over civilian use of that airspace.

It is fair to say that the legislation passed in 1958, has been successful in obtaining its objective of civilian—or establishing civilian control of the FAA.

In recent years, we have not heard major concerns about undue military influence. As a result, Congress has previously on several occasions allowed exceptions to the civilian status requirement for the FAA Administrator.

Legislation, in fact, was passed to allow three former military officers to serve as Administrator and either retain their pension rights while serving, or have those pension rights restored after they left office.

The most recent such legislation was passed in 1984, when we authorized the appointment of Admiral Donald Engen to serve as FAA Administrator while continuing to hold his rank as an officer on the retired list of the United States Navy.

During today's hearing, we will not only have the opportunity to consider the legislation affecting Admiral Busey, we will also have an opportunity to meet the Admiral, to discuss with him his general plans for the FAA.

This is not, I want to emphasize, a confirmation hearing. It is an opportunity to get acquainted. I am pleased to welcome Admiral Busey to his first meeting with our Subcommittee. It will be the first in a long list, I am sure, of meetings.

The Admiral has had a very long and distinguished career of service to his country. First, as a naval aviator, then in a series of high commands of increasing responsibility, including most recently his service as Vice Chief of Naval Operations and Commander in Chief of Allied Forces in Southern Europe; a very impressive background.

But I must express my reservations about turning again to a former military leader to administer the FAA. Just a reservation, just a concern that I have about a continuing pattern over both Democratic and Republican administrations.

Nonetheless, I want to emphasize, I open the Busey era on a note of goodwill and high expectations for a very productive working relationship as together we advance toward the common goal of developing the safe and efficient aviation system, which our country needs.

I also hope it will be a long continuous relationship, a long tenure, specifically, for Citizen Busey. Previous FAA Administrators have had all too brief a tenure in that office. The turnover has simply been too high for the good of the agency, for the good of aviation in this country. I hope you stay there a long time.

The Chair recognizes the gentleman from Pennsylvania, Mr. Clinger.

Mr. CLINGER. Mr. Chairman, I do have an opening statement, but I would like to defer to the ranking member of the full committee, Mr. Hammerschmidt, to give his opening statement first.

Mr. OBERSTAR. The gentleman from Arkansas, always welcome and demonstrates his keen interest in aviation by participating in our hearings. Glad to have you.

Mr. HAMMERSCHMIDT. Thank you, Mr. Chairman.

I want to join you and Mr. Clinger and the Committee in welcoming the next Administrator of the FAA in his first appearance before our committee.

Jim Busey has an impressive background. He enlisted in the Navy in 1952 and earned bachelor and masters degrees from the

naval postgraduate school. He served in Vietnam and has held several important management positions with the Navy here in Washington. Since 1985, he has been Vice Chief of Naval Operations in Europe.

Jim, you are going to have to call on all that experience in meeting the challenges of your new position. The FAA is an agency that is facing many critical issues. It must oversee the movement of an ever-increasing amount of air traffic and it must do it safely. It must modernize the air traffic control system by purchasing new equipment despite the tight purse strings of the Federal budget. It must walk the fine line between the calls for airport expansion and the complaints about aircraft noise.

When the FAA Administrator does his job well, few notice. But if something goes wrong; if, God forbid, a plane should crash, or if air traffic control equipment does not work like it should, or when airport congestion begins to pinch, then you will certainly hear about it from the public, the press, and the Congress.

So I congratulate you on your appointment as the new FAA Administrator and wish you the best of luck. I am confident you are up to the task and look forward to working with you in the future.

I thank the ranking member for yielding.

Mr. OBERSTAR. The gentleman from Pennsylvania?

Mr. CLINGER. Thank you, Mr. Chairman.

And I want to join you and Mr. Hammerschmidt in welcoming Admiral Busey to the Aviation Subcommittee and also Assistant Secretary Reser, who I have had the pleasure of traveling with recently.

But I want to wish you, Admiral, every success in your new role as the Administrator of the agency. You have had a remarkable career serving the United States Navy and I think one that qualifies you well for the new position.

I had the opportunity to meet you about a year ago when you were serving then as the Commander in Chief of the Allied Forces Southern Europe, and I know from having chatted with people who were serving under you and with you both in our forces, but also with the NATO forces, in what high regard they held you and I know that that was a universally felt feeling.

It is my belief that Admiral Busey's management skills are going to be thoroughly tested in his new role. The agency is charged with promoting and regulating one of the fastest growing industries in the American economy, and like many Federal bureaucracies, the FAA is burdened with what I sense to be somewhat cumbersome personnel and acquisition policies that impair the agency's ability to keep pace with the private sector.

Indeed, it is clearly evident in my mind that the agency has not kept pace with what has been almost an exponential explosion of demand for air services.

Exacerbating this dilemma, the FAA has suffered, as the Chairman has noted, a very high and unfortunate turnover in the Administrator's office. Recent years there has been really little consistency in the agency's leadership, resulting in the introduction and disposition of numerous agendas and initiatives and we just cannot continue to operate in this manner.

So I would second the Chairman's hope that this is the beginning of a long and productive tenure as the Administrator.

Another characteristic that holds the FAA unique in the Federal service is its high public visibility. Perhaps no other agency that has any Federal connection, with perhaps the exception of the Post Office Department, has as high visibility with the American people, and it is one that obviously arises out of your role in assuring and monitoring the safety of air travel. So it is that role especially which is often the subject of wide critical public inspection, certainly when anything goes wrong.

So, Admiral, I congratulate you on your new position. I certainly wish you well and look forward to working with you closely in the years ahead.

Thank you very much, Mr. Chairman.

Mr. OBERSTAR. Thank you very much, Mr. Clinger. I certainly appreciate your comments and share again your concern about the continuity of leadership.

I have a statement from our colleague from Illinois, the Honorable Jerry Costello, to be placed in the record at this point.

[Mr. Costello's statement follows:]

OPENING STATEMENT OF HON. JERRY COSTELLO

Mr. Chairman, today's legislation before the committee will allow the President's nominee to head the Federal Aviation Administration, James Busey, to serve in this post without regard to his position as a retired Naval officer. This legislation is necessary due to U.S. law which requires that the head of the FAA be a civilian.

Due to the qualified background of Mr. Busey and the need for the FAA to have an experienced professional head the agency, I will support this legislation, so that the FAA can move quickly to serve in its capacity over the country's aviation needs.

Mr. OBERSTAR. We welcome for today's hearing both Administrator-Designate Admiral James B. Busey and the Honorable Galen J. Reser, Assistant Secretary for Government Affairs, Department of Transportation.

Mr. Reser, welcome to the Committee. We are glad to have you here in an official capacity and we are glad that your long wait for confirmation and establishment in position has been achieved. We have been working with you on an informal basis—informal/formal basis and look forward to a very continuing, long and productive relationship.

Please proceed with your statement.

TESTIMONY OF HON. GALEN J. RESER, ASSISTANT SECRETARY FOR GOVERNMENT AFFAIRS, DEPARTMENT OF TRANSPORTATION, ACCOMPANIED BY JAMES B. BUSEY, FEDERAL AVIATION ADMINISTRATOR-DESIGNATE

Mr. RESER. Thank you, Mr. Chairman, members of the Committee.

I am pleased to be here today with Admiral Jim Busey, President Bush's nominee to be the next Administrator of the Federal Aviation Administration.

Secretary Skinner has often expressed his intention to rely on the FAA's aviation expertise in carrying out the many critical duties of the Federal Aviation Act of 1958.

Foremost to this new relationship will be the appointment of a strong Administrator, an Administrator with Jim Busey's excellent aviation experience and management background and qualifications.

The Secretary and the Administrator-Designate have discussed at length the reliance that will be placed on the head of the FAA to advance the cause of civil aviation safety and efficiency in a time of dynamic change.

The occasion for today's hearing is to consider legislation that would create an exception to the provision of Title 49, United States Code, that requires the FAA Administrator to be a civilian.

The requirement, originally a provision in the Federal Aviation Act of 1958, represents a decision by the Congress that the civil aviation sector in the United States should never become a stepchild to the military aviation establishment.

This foresight has produced an FAA whose focus is on civil aviation, but with a clear mandate from Congress to integrate national defense needs and concerns into the civil system. Provision is made for the transfer of the FAA in its entirety to the Department of Defense in time of war.

Legislation like H.R. 2444 has been enacted by the Congress on a case by case basis on several occasions since 1958.

Each time, however, the Congress has been careful to stress that the enactment cannot be taken to be a precedent for future appointments.

The Department agrees that the civil/military separation is a good one, and that it should be honored. The Secretary and Jim Busey have also discussed this and see eye to eye on the issue.

In the case before us today, the President has found an exceptionally qualified individual who has agreed to serve as FAA Administrator. The Secretary also believes that Jim Busey would acquit himself with distinction in the role of FAA Administrator.

His background as a naval aviator, his involvement in procurement issues and his command experience in a succession of important leadership posts will serve him well as Administrator.

As you know, following his retirement from a distinguished Navy career, he is now entitled to certain retirement benefits, including a survivors annuity for his wife earned over a 37 year career.

The Department strongly believes that H.R. 2444 should be enacted in order to permit the President to appoint Jim Busey without requiring him to sacrifice these benefits.

He will, of course, be subject to the provisions of the Dual Compensation Act.

Mr. Chairman, this completes my prepared statement. I would be pleased to respond to any questions from the Committee.

Mr. OBERSTAR. Thank you very much, Secretary Reser.

I have no problems at all with the—no questions about the mechanics of the pending legislation.

Certainly, Admiral, you have earned those retirement benefits over a period of long and distinguished service and changing hats. Undertaking a new and challenging and exciting career should not be an occasion for denying those benefits at all and we certainly should see to it that the time invested, the retirement credits earned are protected for yourself and your family for the future.

There are some matters that I think we would like to take this occasion to review with you. Given the background repeated now by Secretary Reser, myself and other members of the Committee about the original concern in the basic FAA Act about overlapping military role and the concern from the earliest days of FAA that this be a civilian agency, could you summarize for us the responsibilities of FAA that are of interest to the military because, certainly, the airspace, while a unique Federal responsibility and a domain of particular public interest is also a domain of national security interest.

I would like you to share with us the FAA responsibilities that overlap over into the military area or military interests that reach into the FAA domain. Either you or Secretary Reser.

Mr. RESER. Admiral, do you want to take a shot at that?

Mr. BUSEY. Well, of course, the Department of Defense's interest, Mr. Chairman, in airspace use is to have access for training and readiness purposes, including special use airspace, which is negotiated very carefully with the FAA, and the sole rulemaking authority which sets aside airspace for military use resides with the Federal Aviation Administration.

Other interests that the Department of Defense has with the Federal Aviation Administration concern air traffic control, the military controllers, for example, and I have had experience with this as an Air Station Commander with military air traffic controllers.

Those controllers rely on the expertise of the Federal Aviation Administration for their certification and the oversight to ensure that they are adhering to the rules and directions dictated by the Federal Aviation Administration.

The Department of Defense is interested in the airspace modernization efforts under way under the leadership of the Federal Aviation Administration insofar as many of the equipments being procured to modernize our system are directly transferable and usable by the military.

So in that regard, the American taxpayer is getting the benefit of larger quantity procurements because of the Department of Defense joining in with the Department of Transportation and the Federal Aviation Administration on these procurement projects.

Mr. OBERSTAR. What about airspace reservations? Are there not airspace set asides for military use that the FAA must be cognizant of and manuever traffic through, around and so forth?

Mr. BUSEY. Yes, sir. There are various categories of special use airspace that are requested by the Department of Defense for various military applications and the FAA, in their control of all U.S. airspace, does provide clearance and avoidance for other commercial traffic, for example, that is using that space.

I might add also that since I have been in my briefing phase at the FAA these past several weeks, I have been very pleased to see the steps that are underway to gain better oversight and control over that special use airspace to make sure, first, that they are being used for the purpose for which they have been set aside; that is, that the military is in fact using them, and in those instances where they are not using them that space is being withdrawn to make it available for other private and commercial applications.

So I have been very pleased to see that interest in more centralized and tight control of special use airspaces and I am fully supportive of that and intend to continue to pursue that effort.

Mr. OBERSTAR. That is very important for you to take that kind of interest and to assure that that airspace is in fact being used—the airspace set aside is being used for the purpose for which it is intended and that it is not set aside in a way that may impede civilian traffic.

There is another area of interest and I will not pursue it here because it is being resolved, but there is a conflict between military airspace reservation and the wilderness in the Northern part of the State of Minnesota in someone's district who has a real interest in aviation.

Mr. BUSEY. Yes, sir.

Mr. OBERSTAR. And the FAA has been particularly helpful in resolving the conflict of use area. After a bloody battle to set aside an area as wilderness, the Air National Guard has been—has found it very useful for F-16's and F-4's, for bombing runs over this pristine wilderness area scaring the hell out of more than beavers and moose and bear.

Are there currently military personnel on temporary assignment to the FAA?

Mr. BUSEY. Yes, sir, there are. I am advised and am aware peripherally that there are approximately 100 military persons from all the services assigned as liaison personnel from the Department of Defense working in both the Headquarters here in Washington and working as liaison persons out in all of the FAA regions.

Some of these people are integrated into FAA offices and receive their evaluation reports, if you will, from FAA managers and supervisors, and others serve in purely a liaison capacity to serve as communication links between the Department of Defense and the FAA on these issues that I briefly mentioned before.

Mr. OBERSTAR. Thank you, Mr. Busey.

Secretary Reser?

Mr. RESER. May I add there, Mr. Chairman, that there is an annual report which is prepared to the Congress that details every one of these positions. I cannot remember whether it is to—I think it is to the Appropriations Committee, but it is done annually.

Mr. OBERSTAR. We would like to receive a copy of that for our file on this hearing.

For the record, if this legislation is passed, Mr. Secretary, and Admiral Busey remains on the retired list while serving as FAA Administrator, does that status give the military any kind of leverage over him?

Mr. RESER. No, sir, it does not. His pension cannot be raised or lowered and they would have no jurisdiction over him in any way, shape or form.

Mr. OBERSTAR. There is no manipulative device by which the Defense Department can exercise some influence or control?

Mr. RESER. None whatsoever.

Mr. OBERSTAR. Thank you.

Mr. BUSEY. Mr. Chairman, if I might add to that also, sir. I am 15 days now a former naval person and I have found that I have accommodated very well to have to make the decision everyday as

to what kind of tie I am going to wear rather than putting on a uniform.

But I might add to Secretary Reser's comments, there is absolutely no way that the military service, the Department of Defense has any direction or control over me now. I am a former naval person still interested, of course, in naval matters because of my long years of association there, but I hold no positions and they have absolutely no authority over me.

Mr. OBERSTAR. Before I turn the mike over to Mr. Clinger, just tell us in your own words why you chose to undertake this assignment. Thirty-seven years, a long career, opportunity to go watch the daisies grow, travel at leisure, you are taking on one of the toughest jobs in Government, also, one of the most exciting, I happen to think.

Mr. BUSEY. Yes, Mr. Chairman, I agree——

Mr. OBERSTAR. Nothing is that exciting.

Mr. BUSEY [continuing]. And that is the key, is the excitement. I still consider myself a young person. I consider that the challenges that I saw ahead for me in military service had dwindled to practically zero. It was time to move on to a new career. There were, of course, opportunities that would have opened up for me in the commercial world. I was not of a mind to sit around and fish and watch the flowers grow. I wanted to do something exciting that would keep me involved, and that excitement was challenged when I met our now Secretary of Transportation, Sam Skinner, back in the January timeframe and we discussed opportunities such as that which the President has nominated me for, to be the Administrator of the FAA.

I was excited by the opportunity to work with Mr. Skinner. I liked the direction that he intended to move in. I liked being a participant in the development of a national transportation policy. I was excited by the opportunity to work full time in my first love, aviation. As a long time aviator, that really struck the excitement cords in my being. I was, of course, somewhat familiar with the operation of the FAA because of having operated in their system, the system under their control for a number of years.

So the challenge to me was one of excitement and one of an opportunity to continue to work to serve our country and to work with very wonderful people, very professional people who have impressed me for a number of years, namely those professionals in the Federal Aviation Administration.

So that is why I decided to accept the challenge and to accept the President's nomination for this position.

Mr. OBERSTAR. Thank you.

Mr. Clinger?

Mr. CLINGER. Thank you, Mr. Chairman.

Admiral, I know we are here to consider this particular piece of legislation and you are going to be before this Committee, we hope, many times, as we oversee your leadership at the FAA and perhaps this is an unfair question, and you tell me if you think it is.

As you know, the Committee has been concerned for some time now with considering ways to improve the efficiency, the productivity, the operation of the FAA and a number of proposals are under consideration ranging from internal changes to removing the

agency totally from under the aegis of the Department of Transportation.

I wonder as you start your tenure if you have given any initial thoughts to this issue and if you could share with us what at least your thinking at this point is without having actually taken the rein?

Mr. BUSEY. Yes, sir, Mr. Clinger. I will be glad to share that with you. As I mentioned previously, the primary reason why I decided to accept the honor of being nominated for this position was the opportunity to work with Sam Skinner and participate in the development of a national transportation policy, and, of course, the Federal Aviation Administration participation and contribution towards the development of that policy will ultimately lay out a road map, a strategic plan, if you will, that the FAA will have to follow for a number of years into the future.

So it is working with Sam Skinner and working within the system that he intends to activate that has excited me. I do not come to this appointment, if confirmed, with any ideas or demands for autonomy, for independence, for separation. I really have not formed an opinion there because my thinking all along has been to work with Sam Skinner. I like the idea of working with a gentleman like that who has direct access to the President as a Cabinet Officer.

I am quite confident, based on the discussions that we have had in the past several months, that he is fully ready to work with me to give me what flexibilitas, what authorities, what responsibilities I feel that I need, in addition to what are available right now to help me do the job that he expects me to do as Administrator of the FAA, if confirmed.

So that is where I stand right now, sir, in attempting to respond to your question.

Mr. CLINGER. Thank you. A number of internal changes were set in train by former Administrator McArtor before he left in terms of relationships between regions and the national office here, and those initiatives have been carried forward in the interim where there has been no administrator.

Would you anticipate that you would continue to pursue the implementation of those initiatives?

Mr. BUSEY. Yes, sir, specifically in regard to the organizational changes that were made. My perception is that a lot of trauma was made within the Federal Aviation Administration as a result of that major reorganization.

In my judgment, that trauma is beginning to settle down now and, therefore, I have decided that I intend to work with the hand that I have been dealt, so to speak.

I do not intend, if confirmed, to make major organizational changes or major policy changes on day one, but rather, to work with the organizational structure that I have, and as I gain experience with the strengths and weaknesses of that structure, to make the minor changes necessary to accommodate it to my management style, if you will.

There are many other positive things that are underway that have been started under the leadership of former administrators. Some of those are beginning to show very positive results. I like

what I see in the streamlining of the training programs, for example. I need to know a lot more in more depth in that regard, but I like what I see.

I am very pleased with the support that the FAA has had here from the Congress on the Pay Demonstration Program, which will go into effect next week; very positive steps. And it is those types of initiatives that I intend to support. I am sure I will have other ideas that will be developed in concert with the professionals that I find at the FAA.

But, basically, I plan to make no major changes which would cause perturbations in the operation of the system.

Mr. CLINGER. Thank you very much. We are glad to have you aboard.

Mr. BUSEY. Thank you, sir.

Mr. OBERSTAR. The Chair recognizes the gentleman from Oregon, Mr. DeFazio.

Mr. DEFAZIO. Thank you, Mr. Chairman.

Admiral, just from your unique perspective of involvement, you are a military aviator, that is correct?

Mr. BUSEY. Yes, sir.

Mr. DEFAZIO. I have some questions revolve around the current system that relate I think particularly in the military.

Have you ever considered the possibility of joint use sort of facilities to relieve some of the congestion in or problems we have with runway capacity for civilian airlines that is done in many other countries?

Do you have any thoughts on that?

Mr. BUSEY. Yes, sir, I do. I intend to study very quickly the possibilities of joint use application at our many airfields scattered across the country.

We, of course, are very interested, and I will be interested, if confirmed, in the possible utilization of bases that have been closed. I think there is an opportunity for us to consider some of those facilities for expansion.

Joint use is another possibility for us to consider in the increase of capacity and I am fully supportive of that and I believe that that is within the realm of possibility from a military standpoint.

I have been on both sides of the argument, sir. I can understand the military position where, no, we do not want this kind of joint use. It would inhibit our operations. But the debate has two sides and now, quite frankly, I am on the other side.

So I definitely intend to consider joint use facilities and I quite frankly expect—it is my judgment that as the world situation continues to diffuse, we may see in the next few years other opportunities revolving around base closures, opportunities for joint use, et cetera.

So I think this is a time of opportunity for us in that regard.

Mr. DEFAZIO. Could you give—obviously, I mean we have to get your appointment and all that, but it is my understanding is there have—I am a fairly new member of the Committee, but just my understanding is there has been considerable study and in fact some areas identified where we could benefit from joint use.

How long do you think before you could do at least an initial cost or review on that, a year, or I mean could you do a time line after you are sworn in?

Mr. BUSEY. Based on the limited briefings concerning the work that has been done in that regard thus far, sir, I think within a year is a very reasonable target date to have some definitive ideas concerning joint use and/or the use of closed military facilities.

Mr. DEFAZIO. You—how old are you, sir?

Mr. BUSEY. I am 56.

Mr. DEFAZIO. Okay. Do you have any thoughts about mandatory retirement age 60 for——

Mr. BUSEY. Yes, sir, I do. As an active aviator still and unless you have the opinion that I am only a military pilot, although that is where most of my experience has been these last many, many years, I also have a private pilot's license, single engine, multi-engine land with an instrument rating that now I need to put some time on in the non-military arena, but I have those qualifications.

But back to your specific question, based on my experience, I am clearly aware of the fact that our reflexes decrease, our abilities to put off fatigue decrease as we get older and, of course, I am approaching that age 60 magical number, but the kind of flying I am going to be doing is not going to be such that I will be responsible for 100, 200 or 300 passengers.

I know that the age 60 rule has been in place for more than 30 years. I am aware of the fact that there is no scientific or objective data available to enable us to decide whether we can relax or change that rule, but I certainly have an open mind.

We have a lot of very experienced aviators that are approaching or over age 60. It is an issue that we will continue to study and should we be able to develop the objective and medical data which would lead us to change that rule, I have an open mind to consider such changes.

Mr. DEFAZIO. The reason I bring it up is I am particularly concerned—as a geriatologist I have some interest in that professionally, but also the pilot supply issue.

I assume that you are familiar with basically we are experiencing a crisis. Recently, Eastern Airlines said they would hire 800 people by the end of the summer. You know, from what everything I have read about pilot supply I am not certain where they are going to get them unless suddenly they are going to dramatically raise their pay scale and hire everybody away from the other airlines where people have been going where they pay higher.

I assume—do you have any thoughts about dealing with the pilot supply—the illuming pilot supply crisis and/or—I mean just—I mean Eastern's recent announcement, where do you think they could find those people? Do you think they are going—we are going to suddenly see a rush out of the military?

Mr. BUSEY. Well, I think they are confident that they will be able to fill those requirements. Of course, a lot of those pilot candidates will come from the military, but that is their problem and that is another issue that will have to be dealt with by those powers.

But my feeling is that we need to do more to develop a love for aviation careers at the starting level. And I am excited by the initiatives I see just beginning to grow within the FAA to work with

universities and junior colleges to develop curriculum that will lead towards aviation careers, not only pilot careers, but careers in other aviation related industries, be it technicians, mechanics, dispatchers, et cetera.

I am excited by that. That does not solve our near term problem, of course, but there are a lot of aviators out there that are flying for private concerns, that are flying at commuter airlines that have the opportunity to step up to the larger airlines and the demand of the system will bring those people out. And, of course, our job, from the FAA standpoint—if I am confirmed, our job will be to make sure that those rather inexperienced pilots moving into those slots are fully qualified and safe to operate in that mode.

Mr. DEFAZIO. To anticipate my final question, which revolves around the experience that you would require, my understanding now is that basically we have set a minimum standard with the FAA and we leave it up to the individual airlines to decide whether or not they think that is adequate or perhaps require more hours experience or training before you move into the co-pilot or pilot's position.

And my question is, do you think that perhaps we should raise the threshold standard? There was a lot of discussion on this after the crash—Continental crash in Denver, and I am sure you followed that and it has not been resolved to the best of my knowledge yet.

Do you have any thoughts on that? Because I mean that also would reflect on the supply because you have a lot of people flying for commuter airlines now that perhaps with a very minimum hour standard could qualify to go over to be some of these 800 new people at Eastern.

But the question is, should we put that many people into a very congested generally air corridor here with that little experience without a counter balance of other people with many more hours?

Mr. BUSEY. Yes, sir. I feel comfortable personally with the flight hour experience requirements that the FAA has levied on the airlines and the flexibility then that has been given to them to fill their spaces with pilots so qualified.

Of course, our concerns will continue to be the matching of inexperienced crew members. And I think there is enough oversight within the system to ensure that crews are not allowed to operate where the experience level of the combined crew is very low. There must be one experienced crew member there.

I intend, if confirmed, of course, to watch that very closely and if we see any safety degradation, any problems at all, I will not hesitate to change the qualification requirements.

But I think the traveling public can be very comfortable with what the FAA has been doing. For example, with the start up of new airlines, the Trump Shuttle, for example, the first day it flew there was an FAA certification person on every one of those airplanes. We are watching the Eastern situation very carefully, not only from a pilot from an air crew standpoint, but from a mechanic's standpoint to ensure that the minimum certification requirements to ensure the safe level of operation demanded is there, and we will continue to do that, sir.

Mr. OBERSTAR. The gentleman's time has expired.

Mr. DEFAZIO. Thank you, Mr. Chairman.

Mr. OBERSTAR. Further on the matter of pilot availability air traffic control training, the FAA has launched a partnership program first of which was the FAA of Minnesota partnership to use the university and secondary—or the junior college program—community college program and the vocational training system to train technicians, avionics in mechanics and in the flight training side of the FAA business of the aviation business in general.

That is a very promising opportunity to harness all the resources and we hope that the funding is going to make its way through the Senate and through Conference. This has had the very strong support and initiated not by this member, but by your predecessor, Mr. McArtor, with full departmental support, and we hope that that will continue because this does offer a very great opportunity.

The gentleman from California, Mr. Packard?

Mr. PACKARD. Thank you, Mr. Chairman.

I will have a question in a moment, but let me just editorialize a little bit on even the need for this hearing and for this action and the law itself. Obviously the hearing and the action is called for under the law, but I have problems with the law itself.

I do not understand why we need to specify in this particular appointment an exclusion of military background. I am concerned about that.

From my understanding, we have had 9 administrators in the last 31 years since FAA has been organized, and a third of those have been military people. This would be the fourth. Almost half of them have been military people. For us to make exceptions on a regular basis to me indicates the uselessness of the law itself.

It is discrimatory, I think. It is bad law and frankly, I think it limits the selection process, complicates the appointment process and puts into the hands of this Committee and the Congress veto power over a presidential appointment, which we do not see in any other area that I am aware of. Once the Senate confirms, it is done, but in this case it is not.

So I have problems with the process itself. Obviously, you are doing what the law requires us to do here and I applaud you there.

But I do not see where military is a deterrent at all for a person being able to serve in a—a person ought to be judged on their competency, not on their personal background and job.

But let me ask you the question, Admiral, in the area of foreign repair stations, you have had some experience I assume in your background.

Please tell me your observations there, your experience, and how you would look at that in terms of an Administrator of FAA.

Mr. BUSEY. Yes, sir, Mr. Packard. I am aware, of course through my briefing process of the rule making that occurred late last year that affects the foreign repair stations and I understand it was an attempt to really pull up to modern times in one rule all the exceptions that had been granted over the last 30 to 40 years.

I am aware that we have over 4,000 repair stations in our country and less than 5 percent of that number in overseas foreign repair stations.

I have asked for and have not received or been able to receive any data, and apparently there is none available, which indicates

that the rule making has had any impact at all on safety operations or on a migration of jobs. That is simply not there.

And let me say to follow that up, if confirmed, if I have any indication that safety related issues are impacted by the certification of foreign repair stations, I will act very quickly to change that situation to preserve our minimum required safety levels for repair operations.

As to my experience with overseas repair stations, I am aware that the Department of Defense and, of course, specifically the Navy Department has used FAA certified foreign repair stations for a number of years.

We specifically cultivated that in my last job in the European theatre so that we would know that we would have that expertise at working on U.S. aircraft—military aircraft—available in the event of conflict for battle damage repair, et cetera. That was the primary purpose.

But the quality of work was very good. There were no safety problems so that has been my experience with it, sir.

Mr. PACKARD. Thank you, Mr. Chairman.

Mr. OBERSTAR. Thank the gentleman. I certainly appreciate the gentleman's frankness about the—and concern about the law. We are just—as the gentleman pointed out, we are making the adjustment that is necessary under the existing law and can perhaps at some later time rethink the basic need.

But the 1958 Act wanted to—or Congress, in writing the 1958 Act, wanted to make it very clear that their—that the FAA and the airspace should be in the hands of civilian control and not in military control and that is why that provision was initially inserted.

Mr. PACKARD. And if the gentleman would—if the Chairman would yield. I do not disagree with that concept, but I believe that if nominations would have been made without that provision of requiring special treatment of a military background nominee for the FAA Administrator, I do not suppose we would have selected four out of the nine that have served any way.

So, again, I do not see where it would have made a lot of difference. We make exceptions, but when we see qualifications are there, if—I do not believe that the military background—I am not aware of any military nominee during the 31 years of FAA existence that has been rejected because of their military background. I think in every case we have made exceptions and I suspect that if a man or a woman is qualified and does have military background, we will follow the procedure that we are now following and will make the exception. I hope we will, at least, and not let that become the reason for not appointing a qualified person that has been nominated.

So I do not see the usefulness of such a law. I think the process would work its will by virtue of qualifications and competency more than by virtue of whether or not they have served in the military as a career.

Mr. OBERSTAR. The gentleman made his point very clear.

The gentleman from Pennsylvania, Mr. Kolter.

Mr. KOLTER. Thank you, Mr. Chairman.

I would like to concur with Congressman Packard's view on this subject. I think some time in the future we ought to consider amending the bill so we do not go through this process of making—hoping that Mr. Busey or the Admiral would be appointed.

What I read of the Admiral, he certainly is qualified and will make an outstanding Administrator and I would hope that nothing happens on the floor that we can conclude that we have an outstanding candidate here and that he should be nominated.

Mr. BUSEY. Thank you, sir.

Mr. OBERSTAR. Thank the gentleman.

The gentleman from Oklahoma, Mr. Inhofe.

Mr. INHOFE. Thank you, Mr. Chairman.

I might take a little issue at the last statements made. I kind of enjoy this process. It gives us a chance to visit and exchange views, and when someone new comes on with a fresh outlook, I kind of want to know what that outlook is. So I appreciate the opportunity very much.

For example, when the gentleman from Oregon brought up the issue that I was going to bring up myself on joint use, I would want to carry that notion on out beyond commercial aviation to general aviation too.

We have a very serious problem, as you are well aware being in aviation yourself and being a pilot, in that the few general aviation airports that are there in congested areas are disappearing, and this is a good example right here in Washington, that Woodbridge go down and that one—I believe it is called Deep Creek just in the last 6 months or last year.

And yet, we have so much space available in the terms of runways that could be used for general aviation. I think by having a military background you are in a very unique position to be able to deal with some of these—this resistance that is there by the military in helping us to do this and I hope that you will do that and I hope that as you do it, you allow some of us who are interested in this issue to participate with you.

Mr. BUSEY. Yes, sir. I will do that. If confirmed, of course, my primary responsibility is going to be safety. One of my objectives will be to work on ensuring that our airspace, which I consider a national asset, is available to all users. We have got to continue to find ways to provide access to that airspace by the private pilot, for example, in our heavily congested areas.

Safety, of course, has to be the bottom line that we are concerned with. And as I committed before, I do understand the opposition from the other side, and as you point out, I think I am in a unique position to be able to enter the debate from the FAA's vantage point, if confirmed.

Mr. INHOFE. Well, that is most refreshing to hear. And because of your interest in and participation in general aviation, I would like just briefly to touch another subject.

As you are probably aware, there is a very controversial change in our rules insofar as airspace is concerned and TCAs and the use of that by general aviation not equipped with altitude encoders.

The rule that I guess is going to go into effect on July 1st, I say I guess because no one has really said whether or not it is going to, but it was scheduled to, is not as bad and as restrictive as it initial-

ly was proposed, as you are well aware. However, there are so many things about it that appear to me, and not just as an advocate of general aviation, but looking at it logically, that do not make sense. For example, the use of that airspace that is under where the radar's capability of detection terminates so that there would be no reason that some type of ingress and egress from several hundred general aviation airports could not be accommodated with an alteration in that rule.

I am going to propose some modest changes in that rule and be talking to some of my colleagues about it. And I would like to see how receptive would you be looking at it through the eyes of general aviation to making some modest changes in that?

Mr. BUSEY. Yes, sir, Mr. Inhofe. First, let me say I am aware of the petition that was made to reconsider the rule. I am aware that the basis for that rule is to provide the controllers with the ability to identify anybody flying in that very heavily congested airspace so as to avoid mid-air collisions.

But concerning your last point, one of my concerns is what I call outreach. There is a lot of available information out there in the public domain through aviation lovers, mechanics, technicians and people that just like aviation. They have got ideas. They have got concerns. They need to be heard. They have some good ideas and I intend to do that. I intend to meet with and listen to as many people as I can to help me in fulfilling the responsibilities I will have for rule making, if confirmed.

And pursuant to your final point, I, of course, have an open mind. And, if confirmed, I will be very happy to listen to any suggestions that you have and give them a fair and open consideration.

Mr. INHOFE. Well, I appreciate that. I am so gratified to hear that and I do appreciate it.

You know, a lot of people look at general aviation as some 714,000 I believe licensed pilots, and so there is really not a large enough constituency to have a lot of impact on our system. And yet, when you look at general aviation, I assume you have been at Osh Kosh and have seen in some of those tents some of the technologies that are built there and developed there that we ultimately use in our NASA programs and other advanced aerospace programs.

It is a proving ground and it is one that I would hate to see die on the vine because it is an endangered industry right now, our aviation, I believe.

I have one question, I guess, about the foreign repair station that the gentleman from California brought up. We recently were able to see some of these and, of course, it is impressive to see some of the fine operations they have in overseas and some of the repair stations.

On the other hand, it has been the policy of our country to license institutions and to license mechanics. I believe there are three designations of mechanics that can work on aircraft here in the United States.

However, when you go to the foreign stations it has been my observation that they license institutions, but they have their own

counterpart to our FAA that handles in a different way the mechanics themselves.

I came back very—I am not sure that the rest of my colleagues on this trip agreed with my view. I came back disturbed that some of our United States registered aircraft would be worked on in some foreign repair stations by individuals who did not have this—the individuals not the institution—did not have the same qualifications as those that have to have it in this country. And secondly, that we are strapped in this country in the FAA by not having an adequate number of inspectors and it is so difficult to say, how could we give an adequate comparable inspection to overseas work.

Do you have any thoughts on those two issues?

Mr. BUSEY. No, sir. And quite frankly, I was not aware that there was that difference, but let me say this, I committed to Senator Ford yesterday to take a look at the rule for foreign repair stations and I will add this specific point that you bring up to that review that I do.

Mr. INHOFE. Well, that is fine. Well, thank you very much and it is certainly an honor to have you wanting this job. I am glad you decided not to smell the daisies.

Mr. OBERSTAR. Thank the gentleman for those questions and observations.

The Chair recognizes the gentleman from Colorado.

Mr. SKAGGS. Thank you, Mr. Chairman.

Welcome, Admiral. Those of us that are former Marines always take some sister service pride in the support we have been able to give for the promotion of our colleagues in the Navy.

We have a modest project that is about to get underway in my part of the country involving the building of a new airport to serve Denver and the State of Colorado.

I would like to, one, inquire about the extent of your briefing on that particular undertaking and generally to get a sense of your philosophy about the use of the trust fund and particularly the Airport Improvement Program to deal with our capacity needs, Denver in particular, but more generally.

Mr. BUSEY. Yes, sir. Of course, I have been briefed on the new airport in Denver and I detect an aura of excitement throughout the FAA with the opportunity of that new airport to come; the first new airport, I understand, we will have built in the United States since 1974, and my judgment is we have got to see more of that if we are going to be able to deal with our capacity problems.

I am aware of the potential contribution that that new airport will make to the overall airspace system by reducing waiting times, not only there in Denver itself, but at many other major airports throughout the system, and, of course, from an overall airspace management standpoint, that is exciting and that is the direction that we must be moving.

Concerning the availability of funds, to deal with that I am aware that there are dollars available, of course, to assist. There will be the need for necessary capital improvement to be made at that airport out of the FAA F&E budget.

I know that Secretary Skinner visited the site with, I think, yourself and the Governor and others, and I intend to do the same. I know that yesterday many FAA regional directors were there in

Colorado to visit the site and receive briefings concerning the new airport and how that will work into their overall objectives.

But short of that, sir, I have no ideas. I cannot deal with specifics at this stage of the game concerning full support or any levels of support from the Airport Improvement Program funds other than an awareness that there are funds available in amounts that are unknown to me.

Mr. SKAGGS. Well, let me formally extend an invitation to come out and visit, and I would hope you let me know when you might be able to work that into your schedule so that we can be helpful to you in visiting the area.

Perhaps you could address yourself to the more generic question as well of the status of the trust fund and its availability, given its on budget status, to really meet these capacity needs, what your philosophy is on that, what you might see yourself doing within the Administration to deal with that question.

I am not sure how much of this has already come up, Mr. Chairman. I am sorry I was not here initially. If we have already talked about the trigger, do not repeat yourself, but I am interested in that.

Mr. BUSEY. Yes, sir. Of course, I am aware again through briefings of the trust fund. I am aware based on the courtesy visits that I have made, particularly on the Senate side these last several weeks, of the concerns surrounding the increasing balance of the trust fund, the utilization of those funds for the purposes for which they have been intended.

I do not have any new ideas this morning concerning accessibility of those funds in the trust fund other than to say that I believe that they need to be spent for the purposes for which they were taxed from our traveling public and from our flyers, and my job, if committed as FAA Administration will be to work as hard as I can within the Administration to get them on board concerning what our aviation needs are, both on the AIP side of the budget and the F&E side of the budget, to gain access to those funds so that they are utilized—requested by the Administration for the purposes for which we need them and then I must work with you ladies and gentlemen here on the Hill to ensure that we receive the authorizations and the appropriations that we need to get the job done.

Mr. SKAGGS. Well, then to avoid putting you on the spot this morning and to, I hope, draw the appropriate inference from what you just said, we will look forward to your aggressive activities within the Administration and counsel to your Secretary and the President along the lines that you have suggested, which I hope will mean keeping our current statutory incentives in place.

Mr. Chairman, I do not want to run over time. I have one final question, if I may. It has been kind of an interesting spectator sport around here in the industry to observe relationships between FAA Administrators and Secretaries of Transportation of late.

I am interested in the working arrangement that you have been able to reach agreement with Secretary Skinner about your role and the extent of your jurisdiction and how you all are going to divide up the territory when things get a little political.

Mr. BUSEY. Yes, sir. As I mentioned earlier, Secretary Sam Skinner is the primary reason why I decided to avail myself of the op-

portunity to be nominated for this job. I am excited about working with him.

In our discussions thus far in the working relationship that I know we will carve up, if I am confirmed, I am very confident and very pleased that we have such a very strong aviation supporter in the person of Secretary of Transportation Sam Skinner.

I am very happy to be able to work with him. I do not come to the position seeking autonomy or independence because I am very confident that I can work with him on a very positive basis, obtain the flexibilities and authorities that I need to do the job.

There is no doubt in my mind that he will consider me as the final authority on aviation safety related issues, as the law requires.

So I am looking forward to a very positive working relationship with Secretary Skinner.

Mr. PACKARD. Would the gentleman yield before you——

Mr. SKAGGS. I would be pleased to yield.

Mr. PACKARD. Just—to extend your briefing, it might be of interest to you to know on the trust fund issue that the gentleman from Colorado was inquiring on, this Committee is on record almost unanimously and full Committee—this Subcommittee and the full Committee of strongly supporting pulling those trust funds off budget and using them when they are needed to be used. And we hope that you will be on that same side of the issue.

Mr. SKAGGS. Thank you, Mr. Chairman. [Laughter.]

Thank you, Admiral.

Mr. BUSEY. Thank you, Mr. Skaggs.

Mr. OBERSTAR. Very good.

The gentleman from Iowa, Mr. Lightfoot.

Mr. LIGHTFOOT. Thank you, Mr. Chairman.

I will not use any of those loaded questions. Just a quick observation on your statement a moment ago, Mr. Chairman, about the wilderness area. It brought to mind some very vivid and fond memories of the days when we used to hunt coyotes out of J3s with a 12 gauge shotgun. Perhaps the Air National Guard, if it is a mating season, is hunting moose with heat seeking missiles out of F-16s. I am not sure what they are up to out there, but be that as it may. [Laughter.]

Admiral, we appreciate your coming here this morning and sharing your time with us. I, too, would like to echo the thoughts of Congressman Packard on the relevance of this particular law. Why do we even need it because we seem to go around it all the time any way?

As someone who has been involved in general aviation for a number of years, a flight instructor and all that good stuff, I would be interested in your perception of where general aviation fits into the overall picture.

Those of us involved in the industry have felt threatened at times from virtually every corner. I can remember back when—and this problem has been resolved—but the military laid some oil burner routes down that went right over the top of civilian airports. That basically, I think has been solved.

We have the situation that the Chairman alluded to on the wilderness areas, which are still with us in some parts of the country.

We sometimes feel like that the big boys or the big commercial operators would just as soon that we did not exist. They want us to pay for the facilities, but they do not want us to use them.

Yet, other than the military, the private sector is the only other source we have for pilots coming on, and, of course, we have seen a decrease in pilot training in recent years because of a number of things, including product liability, which has basically shut down many of our domestic GA manufacturers. I guess Piper now has started to build some training aircraft again, but if you are looking for a light two place airplane to flight train in, you are looking at foreign aircraft, and I do not particularly like that idea.

So I guess what I am asking is, how do you see—or where do you see GA's overall role in the whole aviation picture; and I realize it has to come strictly from the perspective of licensing and safety.

Mr. BUSEY. Well, sir, my view is that GA is the root, the bottom line corps of our aviation user community here in the United States. They are the first contact that our young people have in I think the preponderance of cases with aviation.

Those GA operators, such as yourself, who have a love of flying, who have gained experience and have participated in all aspects of that area of interest for a number of years are the people that we have to rely on to generate the new generations of people with love of aircraft.

The commercial world is not going to do it. The military is not going to do it. GA reaches many more people in our population and our society than anyone else.

We need to keep it coming. I am distressed about our GA industry. I met with the GAMA board of directors a couple of weeks ago. In fact, they are the only group that I met with and I did it because the opportunity was there and I did not want to pass it up.

I am distressed that our industry has been suppressed the way it has. We used to be the leaders in the world in providing training aircraft, pleasure aircraft, and I have seen that change. I have seen it change the last 2 years in the European area.

Our products, in my judgment, are still the best and we need to regain that position and I intend, if confirmed, to try to add whatever I can to the wheel of progress to see that that happens.

Mr. LIGHTFOOT. That is very refreshing to hear. I would also urge you, if you are confirmed, and we hope that you are, to pursue the educational aspect of it.

I had an experience a number of years ago with a 2 year flight program that another gentleman and I were called upon to put together for a junior college. And, quite frankly, it worked out to be a very good program. We got a number of pilots through it. It was about the time when the GI Bill on aviation, which was a very complicated thing in the beginning, was running out. Then it became possible to get GI benefits by changing the terminology to something along the lines of, "if it is an improved college course."

So we put our thinking caps on and we put together a 2 year pilot training program that was approved by the college and, therefore, it allowed a number of GIs to continue to take aviation training out of the parameters of the old GI flight school.

But I think those kinds of things are things which you certainly could encourage as the Administrator of the FAA.

Again, we appreciate you being here. If I can share just one quick anecdote with you in parting. Many years ago when I received my flight instructor's rating at the GADO [ph.] office in the Dallas-Fort Worth area, the sage old FAA inspector who had been there for a number of years was giving this new young recruit a bit of a lecture about the joys of flight instruction and the rewards that go with it. It was not monetary but the satisfaction received and so on. Of course, these were in the days when you stepped on an airliner and the captain's name was usually on a plate right up by the door.

And he said, "Someday you are going to step on one of these airplanes. You are going to look up there and you are going to see that name." He said, "You are going to remember that freckled faced kid that came to the airport, hung around on Sundays, finally you gave him a ride and he saved his money from his paper route and he got his first flying lesson and you went on and took him through his private and his commercial certificate. And you are going to look up and see that name and really know what flight instructing is all about."

He said, "In fact, that happened to me just last week." He said, "I looked at that name and I remembered that student and what all we went through." And he said, "I turned around and got off and took a bus." [Laughter.]

I hope you will not be that way as the Administrator.

Mr. BUSEY. Thank you, sir.

Mr. LIGHTFOOT. Thank you, Mr. Chairman. [Laughter.]

It is time for a commercial break. What the heck.

Mr. OBERSTAR. The gentleman from Iowa always adds a light touch in these weighty matters, but that last observation is quite accurate.

I for several years flew when I needed to get around my rather large—geographically large Congressional district with a aviation service out of Minnesota, and this freckled faced kid was trainee and then co-pilot and pilot and a few years later I saw him getting out of the cockpit and he was very proud about having graduated to commuter service. And not long after that, there he was flying up front on Northwest Airlines. So it happens. That process moves people up the line.

Mr. LIGHTFOOT. And, Mr. Chairman, if you would yield for a moment on that point, in seriousness that really is, I think, one of the things that is overlooked that is very difficult to measure.

I received a letter just about 2 weeks ago from a young man that I gave his first flying lesson to and now he is moving over into the captain's seat with Piedmont, and it is quite a reward for doing these kinds of things, and unfortunately, as the Admiral mentioned, we are not getting those kinds of people into the system anymore because we are basically having to depend on the military. And what Mr. DeFazio was talking about, the pilot pool is just—it is not there like it use to be and it is something that—I think it is a serious problem.

Mr. OBERSTAR. That is why these partnership arrangements between the states and the FAA, as the Minnesota FAA Demonstration Project is supposed to establish, will be very important

projects and important contributors to the personnel needs of all aspects of aviation in the future.

There are a few other items that I would like to review with you. One is, you have had a career—or as part of your career served as Auditor General of the Navy and Deputy of Navy Materiel Resources Management Command.

You have had familiarity in that service with procurement practices. Procurement is one of the serious problems facing the FAA, getting its equipment, a central part of air navigation, up to date and to speed.

Have you had an opportunity to review the FAA procurement program, and some thoughts about what might be done to improve it, speed it up?

Mr. BUSEY. Mr. Chairman, yes, I have had briefings, amongst all the others I have had the last several weeks, a briefing on the NAS Plan and on the capitalization budget. I have not had an opportunity yet to get deeply involved in specific programs of the NAS Plan, which includes 80 or more specific individual programs.

I am aware of the concerns that we have seen program delays, that we have seen cost overruns. I am also aware that there are some bright lights, some good stories within all those programs.

And, as you mentioned, I think that the experiences that I have picked up in those jobs you mentioned and perhaps more specifically as Commander of the Naval Air Systems Command where I had direct responsibility for procurement of all aviation related hardware for the Department of the Navy, I have got some skills there and I intend, if confirmed, to get deeply and personally involved in the procurement aspects to see what we can do, not only, as I mentioned before, to work hard within the Administration to fight for the dollars that I need, and, of course, in cooperation with the Hill to get the dollar resources on those programs, but to deal with the contractors so that we can do away with those perceptions where they rightfully exist and get these programs delivered on time and on cost.

Mr. OBERSTAR. Well, there are some very instructive messages from a hearing we conducted earlier this year, some weeks ago, that touch on the procurement aspect and some observations from GAO about the way in which FAA conducts its procurement, in some cases very good and other cases not taking—not following OMB procedures, not following some tested and proven military procedures has caused delay and caused higher costs.

So there is a fertile area for further endeavor in the procurement field and we look to you to move on that.

When Mr. McArtor served as Administrator, he undertook with some prodding from the Investigations and Oversight Subcommittee, which I chaired at the time, a reorganization of the agency, the result of which was to establish a straight line relationship between the headquarters of FAA and field operations.

The objective was to establish a greater uniformity of FAA policy throughout the country and not allow or not tolerate further the variations from region to region among the nine regions.

Have you looked at the reorganization plan and, although you indicated in response to Mr. Clinger's question earlier you intend to

keep the organization now operative intact, what are your thoughts about that?

Mr. BUSEY. Yes, sir. As I mentioned, I am aware of that organization and the turmoil and the perturbations created thereby.

My judgment now is that that has settled down. The straight lining structure centralizes direct management oversight, and incidentally also decreased the previous Administrator's span of control, which is a very positive approach from my viewpoint, so I do not intend to walk in the door, if confirmed, and make any changes that are going to further perturbate the system.

I like what I see thus far and my proclivity will be to work with that system and make the minor changes that will undoubtedly be necessary in order to accommodate to my management style.

Mr. OBERSTAR. Thank you. One of the major problems in the FAA is keeping air traffic controllers in the system and moving them to where they are needed most, not only controllers, but other people with safety responsibilities within the agency.

The problem is that people who have high qualification, have promise within the agency, but are working in a relatively lower cost area of the United States rightfully, I sympathize with them, do not want to move to high cost areas such as New York or other East Coast areas or Los Angeles or maybe into Chicago, and the idea that I have in doing some—in proposing reorganization of the FAA is that to give greater flexibility to this agency with pay and flexibility of personnel to move them where they are needed most.

There was a pay demonstration project that proposed a pay differential of up to 20 percent at 11 facilities which are located in high cost areas of the United States.

There has been some problem with the House Appropriation Committee. The Secretary has intervened. This Committee has interceded on that matter. We have tried to encourage the Committee to provide adequate funding.

We may have further problems with them in doing so. They have cut the differential in half, reduced a number of areas, reduced the amount of money available for it.

First, do you think that as proposed by the Appropriations Committee that will result in an effective demonstration program, and, secondly, what—have you had any further thoughts on where to go from here?

Mr. BUSEY. Yes, sir. I am very pleased with what I have seen in the briefings and I know that the entire FAA management structure and I sense the people out in the field, are very pleased with the support that they found for this pay demonstration project by not only this Committee, yourself, sir, and the other members, but by the Secretary's direct support, and the pay demonstration project, as you know, will be implemented next week.

So that is a very positive sign. I am excited by that. That kind of a demonstration of concern for our people that have to operate in these high cost areas is a very positive sign and I think it will pay unmeasurable dividends in future years.

My concerns are, as you know, we are taking the costs out of hide. FAA is paying it out of hide this year. The cost next year and in the subsequent years of the demonstration project are substantial and we are going to have to fight very hard within the Admin-

istration and in very close cooperation, sir, with you and the members of the Committee and with the other committees to ensure that we get the appropriations that we need to continue that project.

And I am excited by that opportunity because I think it will give us the information we need to come back to you to gain your support for further such demonstration projects to help us retain these very valuable and very key people.

Mr. OBERSTAR. Well, I would—while it is a demonstration project and maybe you need to start in some way to convince folks around here who are skeptics that it can work, I would—my preference would be to move on it. I just simply feel that—my experience with FAA is that they need this kind of flexibility and it ought to be established as a permanent way of doing business and we will move to that in every opportunity we can to achieve that objective.

And, as a member of the Budget Committee, I have worked very hard to make sure that we would have adequate funding in the FY 1990 budget resolution to accommodate the needs of FAA and will continue working toward that goal.

Recently the GAO concluded a survey following on a survey that they did at the request of the Investigations and Oversight Subcommittee 3 years ago of the air traffic control workforce; attitudes, feelings, views toward the system and management.

The study, or survey rather, indicated that there continues to be a high degree of dissatisfaction among controllers with the way in which the FAA management responds or does not respond to their concerns and their feelings.

The survey indicated that FAA supervisors and management do not perceive that there are problems among working controllers. That has been kind of a long standing concern, sort of an insensitivity, some of it I think attributed to the military style of management. That is an observation both Mr. Gingrich, when he was ranking member of the Subcommittee on Investigations and Oversight and I—a conclusion we both came to, I think one that Mr. Clinger shared.

What are your views? One of the major challenges facing you is to build bridges of communication, establish confidence between FAA's employees and its management level.

Previous Administrators have had mixed success and the surveys indicated largely a failure. I thought Admiral Engen was a most conciliatory person. I thought he was most willing to hear, to understand, but I think he found that he was surrounded by the so called headquarters palace guard whenever he went out. He admitted that himself. You get out in the field and you are sort of—even then you do not really get to be in touch with people because there are too many surrounding you and insulating you from the real feelings and attitudes.

I would like you just to not make any commitments. It is not a place or time for making commitments, but share with us what your thoughts are about this issue and perhaps some ideas of how you might attack it.

Mr. BUSEY. Yes, sir, Mr. Chairman. I am aware of the hearings that have taken place in the past and of the GAO findings. I consider myself a people person. I am well aware of the difficulties

that I will have, as I have had in past management challenges concerning large organizations, of how one tends to be surrounded by filters, but we all learn to wind our way through the filters and to establish networks wherein we can sense the pulse of an organization.

As you know, I have not had a chance to get out into the field to the activities. That is something I need to do. I need to get out where the rubber meets the road, form my own opinions by talking with people on the deck plates, as I will put it.

You have mentioned that part of the problem may be a military style of management of leadership that is creating some of the insensitivities out in the field and I would like to inject, if I may, that that old style military type of management is a thing of the past. Even in today's military services a direct attention to the area of human resource management is a very necessary thing from a military standpoint. And our best leaders are the ones that communicate the best with their subordinates.

A lot of time and attention has to be spent in the development of management to give them the tools that they need to be able to communicate and permit the growth and the development of subordinates.

And that is where I am coming from, sir. That is what I will be trying to do.

Mr. OBERSTAR. Well, you certainly have, as first impression, the style and the feel and you portray the genuineness needed to make that touch.

This very technological agency, one of the mostly highly technological of all Federal Government services still rides on people. It depends essentially on people. And you know how that air traffic control workforce stretched itself in the day following the strike in 1981 and worked very hard to make that system operate and now feels itself stretched again, that workforce, and feels a need for a new renewal. And that can only come from the top.

There has been a feeling of great unrest and unease certainly in headquarters and to a lesser extent in the field operations of FAA during these months when there has not been an Administrator. I think—all folks that I have talked to said, "That will turn around once we get somebody on board, but right now there has been a real low morale." That should turn around with your confirmation.

I urge you to get out to the field operations of the agency and to closet yourself at the working level and put the supervisors and managers off in their own line. Talk to them separately, but you will only get a feel for it if you talk to those controllers out there one on one in small groups. They will let their hair down. They will tell you what they think. They are very top notch professionals, people with the highest skills and qualification and motivation.

The gentleman from the Virgin Islands.

Mr. DE LUGO. Thank you very much, Mr. Chairman.

Admiral, it is a pleasure to welcome you here this morning and I concur with the remarks that have been made by the Chair and I certainly want to commend the President on choosing a man of your background and ability for this very important position, and I want to wish you well.

I will be happy to support this legislation. I had the good fortune of going overseas with our Chairman recently and meeting with many of the men and women that you will now direct and, of course, I am always impressed by their real dedication to their field.

As the Chairman says, we are dealing with human beings and you look like the kind of guy that knows how to do your job very successfully.

So, I wish you well.

Mr. BUSEY. Thank you, Mr. deLugo.

Mr. OBERSTAR. Following up on that, I wanted to mention that you have a very highly dedicated, competent and hard working staff over in Brussels led by Director Ben Demps. They are just impressive. We had a very thorough, detailed—I think we kept them well past 7 o'clock in the evening on a marathon review of their wide ranging activities on security, maintenance bases and repair stations, all of the wide ranging responsibilities. And every one of them who made a presentation impressed our group. I think we came away with a sense of the United States being very proudly and effectively represented overseas.

So I told the group on conclusion of the briefings that we want you to know that while you are a long ways away from our shores, you are not out of mind and the flag flies proudly in the FAA office at Brussels, and you are doing a great service.

They put incredible hours traveling long distances to often hostile environments and often hostile airports and airport authorities that do not really want to have them there. But one thing came through so clear, that however much foreign airport and aviation authorities may bristle at the United States setting standards, insisting on meeting those standards, they want the FAA seal of approval and they look to the United States to the FAA as the standard of performance and excellence and achievement in aviation. And they may not appreciate or like the fact that we are being very directive in safety matters, but they know there is no higher authority than that of the FAA.

Does the gentleman from Pennsylvania have any further observations?

Mr. BUSEY. I was just going to say, I know that the FAA will be delighted to hear your comments, sir. They are very proud of that team in Europe. I had occasion the last couple of years to see them in operation and you are quite right. They work under very adverse conditions and very adversarial conditions. So thank you for your kind comments.

Mr. OBERSTAR. We toured the assembly line of Airbus at Toulouse France, spent nearly a whole day in tents of briefings, Q&A and had an opportunity to actually get out in the floor see the Airbus A300 and the A320 being assembled stage by stage.

And in the course of our Q&As with the president of the company and the various officers of Airbus, we asked about meeting various standards that the FAA has set for certification and time and again they said, "We do not question. If the FAA want it, we do it because we know that is the standard we have to meet to be able to establish confidence with our customers overseas. We want FAA

approval if we are going to be able to market our product and our services, not necessarily to third countries."

Any other questions?

We have no further questions or comments. We thank you for your time. This was just a mild introduction to the Committee on Aviation. It is about as easy as it is going to be and we expect very soon to—probably next week I hope to bring this bill out of Committee and to the floor and to speed you on your way to undertaking the duties which await you in your new job as Administrator of the FAA.

Mr. BUSEY. Thank you, Mr. Chairman. Thank you for your courtesies today.

Mr. OBERSTAR. Thank you, Mr. Busey. Thank you, Secretary Reser.

[The prepared statement of Secretary Reser follows:]

STATEMENT OF HON. GALEN J. RESER, ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF TRANSPORTATION

Mr. Chairman and Members of the Committee: I am pleased to be here today with Jim Busey, President Bush's nominee to be the next Administrator of the Federal Aviation Administration.

Secretary Skinner has often expressed his intention to rely on the FAA's aviation expertise in carrying out the many critical duties of the Federal Aviation Act of 1958. Foremost to this new relationship will be the appointment of a strong administrator with Jim Busey's excellent aviation experience and management background and qualifications. The Secretary and the Administrator-Designate have discussed at length the reliance that will be placed on the head of the FAA to advance the cause of civil aviation safety and efficiency in a time of dynamic change.

The occasion for today's hearing is to consider legislation that would create an exception to the provision of title 49, United States Code, that requires the FAA Administrator to be a civilian. The requirement, originally a provision in the Federal Aviation Act of 1958, represents a decision by the Congress that the civil aviation sector in the United States should never become a stepchild of the military aviation establishment. This foresight has produced an FAA whose focus is on civil aviation but with a clear mandate from Congress to integrate national defense needs and concerns into the civil system. Provision is made for transfer of the FAA in its entirety to the Department of Defense in time of war.

Legislation like H.R. 2444 has been enacted by the Congress on a case-by-case basis on several occasions since 1958. Each time, however, the Congress has been careful to stress that the enactment cannot be taken to be a precedent for future appointments. The Department agrees that the civil/military separation is a good one that should be honored. The Secretary and Jim Busey have also discussed this and see eye-to eye on the issue.

In the case before us today, the President has found an exceptionally qualified individual who has agreed to serve as FAA Administrator. The Secretary also believes that Jim Busey would acquit himself with distinction in the role of FAA Administrator. His background as a naval aviator, his involvement in procurement issues, and his command experience in a succession of important leadership posts, will serve him well as FAA Administrator.

As you know, following his retirement from a distinguished Navy career, he is now entitled to certain retirement benefits, including a survivor's annuity for his wife earned over a 37-year career. The Department strongly believes that H.R. 2444 should be enacted in order to permit the President to appoint Jim Busey without requiring him to sacrifice these benefits. He will, of course, be subject to the provisions of the Dual Compensation Act.

Mr. Chairman, this completes my prepared statement. I would be pleased to respond to questions from you or the committee.

Mr. OBERSTAR. The Subcommittee stands adjourned.

[Whereupon, at 11:45 a.m., the Subcommittee adjourned, subject to the call of the Chair.

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